IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.12525 of 2007

MONDAY, THE SIXTEENTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

B. Maheswar, S/o. late Sri B. Vishwanath,
43 years, Business, H.No.1.8.396, Chikkadpalli,
Hyderabad, and another.

… Petitioners

And

Municipal Corporation of Hyderabad,
Represented by its Commissioner,
Tankbund, Hyderabad, and another.

… Respondents

Order:

Having regard to the nature of relief sought for and with the assent of the learned counsel on either side, the writ petition is being disposed of at the admission stage.

This writ petition has been filed seeking Mandamus to direct the respondents to receive the application of the petitioners for grant of

building permission for construction of building in the premises bearing No.1.8.396 to 398, admeasuring 201 Sq. yards, situated at Chikkadpalli in Hyderabad.

In the affidavit filed in support of the writ petition, it is stated that the grandfather of the first petitioner obtained permission for making constructions in the property question and the structures are covered by the permissions, so granted. It is stated that after the demise of the grandfather of the first petitioner, the property has been partitioned under registered Partnership Deed dated 18-06-1990, and the building bearing No.1.8.396 to 398, situated in an area of 200 Sq. yards has fallen to the share of the petitioners.

The case of the petitioners is that, with an intention to take up construction in the said property, they have submitted an application to the respondents for grant of building permission; however respondents are not receiving the said application on the ground that the same is not accompanied by 'No-objection certificate' (NOC) issued by the District Collector.

Under the provisions of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') and Building Bye-Laws, 1981 there is no provision for demanding the petitioners to obtain NOC from the District Collector for grant of building permission. Respondents cannot refuse to receive the application of the petitioners on the said ground.

Even, the learned Standing Counsel appearing for the respondents does not dispute that there is any such provision in the Act that requires NOC to be accompanied with the application, filed for grant of building permission.

In the circumstances, I dispose of the writ petition directing the respondents to receive the application of the petitioners for grant of building permission, consider the same as per the provisions of the Act

and pass appropriate orders without insisting for production of NOC from the District Collector. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 16, 2007
Note: Furnish copy in three days
B.O.
MRR